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08/941,459	09/30/1997	TAKESHI MORIKAWA	05058/58201	6001
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SIDLEY AUSTIN BROWN & WOOD LLP 717 NORTH HARWOOD			POKRZYWA, JOSEPH R	
SUITE 3400	· · · · · · · · · · · · · · · · · · ·		· ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)			
Office Action Summan	08/941,459	MORIKAWA, TAKESHI			
Office Action Summary	Examiner	Art Unit			
	Joseph R. Pokrzywa	2622			
The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.  - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).					
Status					
1)⊠ Responsive to communication(s) filed on <u>26 January 2004</u> .					
2a)⊠ This action is <b>FINAL</b> . 2b)□ This	action is non-final.				
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.					
Disposition of Claims					
<ul> <li>4)  Claim(s) 4-6,13-16 and 23-35 is/are pending in the application.</li> <li>4a) Of the above claim(s) is/are withdrawn from consideration.</li> <li>5)  Claim(s) 23-26 is/are allowed.</li> <li>6)  Claim(s) 4-6,13-16 and 27-35 is/are rejected.</li> <li>7)  Claim(s) is/are objected to.</li> <li>8)  Claim(s) are subject to restriction and/or election requirement.</li> </ul>					
Application Papers					
9) The specification is objected to by the Examiner.					
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.					
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).					
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.					
Priority under 35 U.S.C. § 119					
12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received.  2. Certified copies of the priority documents have been received in Application No.  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).					
* See the attached detailed Office action for a list  Attachment(s)  1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)	SUPERVISO  TECHNO 4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P	DWARD COLES DRY PATENT EXAMINER LOGY CENTER 2600 (PTO-413)			
Paper No(s)/Mail Date	6)				

Art Unit: 2622

#### DETAILED ACTION

## Response to Arguments

- 1. Applicant's remarks were received on 1/26/04, and have been entered and made of record. Currently, claims 4-6, 13-16, and 23-35 are pending.
- 2. Applicant's arguments filed 1/26/04 have been fully considered but they are not persuasive.
- 3. In response to applicant's arguments regarding the rejection of claim 4, cited in the Office action dated 10/27/03, as being anticipated by Sumida et al. (U.S. Patent Number 5,383,754), whereby applicant argues on pages 2 and 3 that Sumida fails to teach of automatically prohibiting selecting an inoperable mode via an operation panel, since instead, Sumida teaches of automatically prohibiting operation of a previously selected inoperable mode. The examiner notes that claim 4 currently requires a "controller for comparing the state between at least two frames, as determined by the state decision controller, and for automatically prohibiting selecting an inoperable mode of operation of said plurality of modes of operation through said operation panel based on the result of said comparison". Sumida can be interpreted as teaching of prohibiting selection of an inoperable mode. While the timing may be different than that of the current application, Sumida can still be seen as inhibiting a selected operation when it is determined to be inoperable based on a comparison of frames, thereby prohibiting selecting an inoperable mode. This is shown in column 32, lines 15 through 39, and column 42. line 49 through column 43, line 37 of Sumida, whereby the selected operation is prohibited from operating if it is determined to be inoperable (when there are different image orientations, or if

Art Unit: 2622

operation is selected. Further, Sumida teaches in column 81, lines 60 through 66 that "after all the copies have been sorted, when the operator enters a manual staple command, image data is present at the designated stapling position. Then either of the following measures is taken: a) displaying warning on operation unit; and b) inhibiting stapling." With this, one of ordinary skill in the art can recognize that Sumida is prohibiting the selection of an inoperable mode via the operation panel.

- 4. Therefore, the rejection of independent claim 4, as well as independent claims 13 and 28, as cited in the Office action dated 10/27/03, under 35 U.S.C. 102(b), as being anticipated by Sumida *et al.*, is maintained and repeated in this Office action. Further, for the same reasons discussed above, the rejection of dependent claims 5, 6, 14-16, 27, 29, and 30, as cited in the Office action dated 10/27/03, under 35 U.S.C. 102(b), as being anticipated by Sumida *et al.*, is also maintained and repeated in this Office action.
- 5. In response to applicant's arguments regarding the rejection of claim 31, cited in the Office action dated 10/27/03, as being anticipated by Sumida *et al.* (U.S. Patent Number 5,383,754), whereby applicant argues on pages 3 and 4 that Sumida fails to teach of means for editing pixel density data. Further, applicant argues on pages 4 and 5 that Sumida additionally does not teach of a feeder capable of feeding originals of different sizes, means for reading mixed originals, means for determining the size of an image, and means for controlling that permits editing of an image when the originals are uniform in size and prohibits editing an image when the originals are not uniform in size. First, the examiner notes that the term "editing"

Art Unit: 2622

Webster's Collegiate Dictionary, tenth edition. Thus, Sumida teaches of means for editing pixel density data (or *altering* pixel density data) from the pixel density data stored in the memory, in column 19, line 38 through column 20, line 32, wherein the data stored in the memory unit 292 is expanded or edited by the expander (EXP) 291, or processed by a pixel processing unit 310, which as read in column 20, lines 6 through 19, "logically processes memory output data and input data to deliver the resulting data to the printer". Continuing, the examiner notes that in column 15, lines 9 through 24, Sumida teaches of a feeder capable of feeding originals. Further, as read in column 16, lines 7 through 16, different size originals can be processed by the apparatus. Thus, the feeder would inherently be capable of feeding originals having different sizes, as required by the claim.

Next, the claim requires means for reading "mixed originals". The term "mixed originals" can be interpreted as being horizontal and vertical images being mixed together while feeding, and the subsequent reading. Thus, Sumida teaches of means for reading mixed originals for reading a plurality of originals collectively set in the feeder (column 17, lines 2 through 60, and column 47, line 44 through column 48, line 30, whereby vertical and horizontal documents are stacked together). Continuing, the claim requires "means for determining a size of an image", with emphasis added. The claim is not specifying determining the size of an original sheet, but rather determining the size of an image. Sumida teaches of means for determining a size of an image corresponding to the pixel density data of each image stored in the memory, as read in column 43, line 51 through column 46, line 36, wherein an image is determined to be vertically long or horizontally long, thus determining the size of the image, therein determining orientation

Art Unit: 2622

of the original. By examining and determining if the document orientations match, as described above, the apparatus of Sumida effectively determines if the plurality of originals are "uniform in size", since when their orientations match, the documents are determined to be uniform. Thus, Sumida teaches of means for controlling, responsive to the means for determining, which permits the means for editing to edit an image when all images corresponding to the plurality of originals are uniform in size, and otherwise prohibiting the means for editing from editing an image (column 31, line 46 through column 32, line 26, wherein the copying operation continues if all of the documents are uniform in size, being similarly oriented, thereby processing pixel data and transferring it to the printer, and then interrupted when non-uniformity occurs, thereby prohibiting processed pixel data to be transferred to the printer).

- 6. Therefore, the rejection of independent claim 31, as well as independent claims 33 and 35, as cited in the Office action dated 10/27/03, under 35 U.S.C. 102(b), as being anticipated by Sumida *et al.*, is maintained and repeated in this Office action.
- Continuing, in response to applicant's arguments regarding the rejection of dependent claim 32 and independent claim 34 (being similar to the combination of claims 31 and 32), cited in the Office action dated 10/27/03, as being unpatentable over Sumida *et al.* (U.S. Patent Number 5,383,754) in view of Yoshida *et al.* (U.S. Patent Number 5,930,006), whereby applicant argues on page 6 that Yoshida fails to teach the missing limitations of Yoshida, as argued in claim 31. The examiner notes that Sumida can be interpreted as teaching each of the limitations of independent claim 31, as discussed above, and Yoshida is being used to teach the specific limitation requiring the means for editing pixel density data to *edit an image in the*

Art Unit: 2622

Manner suitable for providing two images for printing on a single side of a sheet. Because Yoshida teaches of means for editing an image in the manner suitable for providing two images for printing on a single side of a sheet (column 10, lines 32 through 43, wherein N=2), it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Yoshida's teachings in Sumida's system, since Sumida's system would become more versatile with the addition of Yoshida's teachings, as a user would have added options for a desired output format.

8. Therefore, the rejection of dependent claim 32, as well as independent claim 34, as cited in the Office action dated 10/27/03, under 35 U.S.C. 103(a), as being unpatentable over Sumida et al. in view of Yoshida et al., is maintained and repeated in this Office action.

## Claim Rejections - 35 USC § 102

- 9. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 10. Claims 4-6, 13-16, 27-31, 33, and 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Sumida *et al.* (U.S. Patent Number 5,383,754, cited in the Office action dated 10/27/03).

Regarding *claim 4*, Sumida discloses an image processing device (see abstract, and Fig. 1) operable in a plurality of modes of operation (column 12, line 22 through column 17, line 23) comprising a memory for storing pixel density data of a plurality of frames (column 24, line 50 through column 25, line 33), a controller for determining, for each frame, a state of a frame of the pixel density data stored in the memory (column 30, line 33 through column 31, line 9, and

Art Unit: 2622

column 43, line 51 through column 45, line 59), an operation panel for selecting any of the plurality of modes of operation (see Figs. 74, and 77), and a controller for comparing the state between at least two frames (column 30, line 33 through column 31, line 9), as determined by the state decision controller (column 31, line 14 through column 32, line 26), and for automatically prohibiting selecting an inoperable mode of operation of the plurality of modes of operation through the operation panel based on the result of the comparison (see Figs. 76-79, and 100-101, column 31, line 14 through column 32, line 26, and column 80, line 6 through column 81, line 6, and column 81, line 56 through column 82, line 3).

Regarding *claim 5*, Sumida disclose the apparatus discussed above in claim 4, and further teaches of the state decision controller determines a length of a frame of the image data (column 43, line 51 through column 46, line 36).

Regarding *claim* 6, Sumida disclose the device discussed above in claim 4, and further teaches that the state decision controller determines a frame size of the frame of the pixel density data (column 43, line 51 through column 46, line 36).

Regarding *claim 13*, Sumida discloses an image forming apparatus (see abstract, and Fig. 1) operable in a plurality of print modes (column 12, line 22 through column 17, line 23) comprising a memory for storing pixel density data of a plurality of frames (column 24, line 50 through column 25, line 33), a printer for reading the pixel density data stored in the memory for each frame and for printing (column 13, line 65 through column 14, line 43, and column 19, lines 4 through 30), a controller for determining, for each frame, a state of a frame of the pixel density data stored in the memory (column 30, line 33 through column 31, line 9, and column 43, line 51 through column 45, line 59), an operation panel for selecting any of the plurality of print modes

Art Unit: 2622

(see Figs. 74. and 77). and a controller for comparing the state between at least two frames (column 30, line 33 through column 31, line 9), as determined by the state decision controller (column 31, line 14 through column 32, line 26), and for automatically prohibiting selection of an inoperable print mode of the plurality of print modes through the operation panel based on the result of the comparison (see Figs. 76-79, and 100-101, column 31, line 14 through column 32, line 26, and column 80, line 6 through column 81, line 6, and column 81, line 56 through column 82, line 3).

Regarding *claim 14*, Sumida discloses the apparatus discussed above in claim 13, and further teaches of a finisher for stapling sheets printed by the printer (column 15, lines 26 through 52), wherein the state decision controller determines whether the pixel density data stored in the memory includes pixel density data having a frame size different than a frame size of other pixel density data stored in the memory (column 55, lines 17 through 30), and the selection prohibiting controller prohibits selecting a staple print mode through the operation panel when it is determined that the memory includes pixel density data having a frame size different than a frame size of other image data stored in the memory (column 42, line 49 through column 43, line 37, and column 54, lines 19 through column 55, line 63), with the staple print mode being provided so that the finisher provides a staple processing (column 55, lines 31 through 63).

Regarding *claim 15*, Sumida discloses the apparatus discussed above in claim 13, and further teaches that the state decision controller determines whether the memory stores the pixel density data different in frame size from other pixel density data stored in the memory (column 55, lines 17 through 30), and the selection prohibiting controller prohibits selecting a two-side

Art Unit: 2622

print mode through the operation panel when it is determined that the memory stores the pixel density data different in frame size from other pixel density data stored in the memory (column 39, line 59 through column 40, line 8, column 42, line 49 through column 43, line 37, and column 54, lines 19 through column 55, line 63), the two-side print mode being provided for printing the pixel density data stored in the memory on both sides of a sheet (column 39, line 59 through column 40, line 8, and column 55, lines 31 through 63).

Regarding *claim 16*, Sumida discloses the apparatus discussed above in claim 13, and further teaches that the state decision controller determines whether the pixel density data stored in the memory all have a same frame size (column 55, lines 17 through 30), and the selection prohibiting controller prohibits selecting an economy print mode through the operation panel when it is determined that the pixel density data stored in the memory do not have a same frame size (column 39, line 59 through column 40, line 8, column 42, line 49 through column 43, line 37, and column 54, lines 19 through column 55, line 63), the economy print mode being provided for printing the pixel density data of a plurality of frames on one same side of a sheet (see Figs. 81 and 82).

Regarding *claim* 27, Sumida discloses the device discussed above in claim 4, and further teaches of a display for displaying an operating state of the image processing device (see Fig. 63), and a display controller, responsive to the selection prohibiting controller, for displaying on the display an operable mode of operation of the plurality of modes of operation (see Figs. 63-79).

Regarding *claim 28*, Sumida discloses an image processing device (see abstract, and Fig. 1) operable in a plurality of modes of operation (column 12, line 22 through column 17, line 23).

Art Unit: 2622

comprising a memory for storing pixel density data of a plurality of frames (column 24, line 50 through column 25, line 33), a controller for determining, for each frame, a state of a frame of the pixel density data stored in the memory (column 30, line 33 through column 31, line 9, and column 43, line 51 through column 45, line 59), a controller, responsive to the state decision controller, for comparing the state between at least two frames (column 30, line 33 through column 31, line 9), as determined by the state decision controller (column 31, line 14 through column 32, line 26), and for determining an inoperable mode of operation of the plurality of modes of operation based on the result of the comparison (column 80, line 6 through column 82, line 3), and an operation panel, responsive to the selection prohibiting controller, for selecting any of the plurality of modes of operation (see Figs. 74, and 77), with the operation panel automatically prohibiting selecting the thus determined inoperable mode of operation (see Figs. 76-79, and 100-101, column 31, line 14 through column 32, line 26, and column 80, line 6 through column 81, line 6, and column 81, line 56 through column 82, line 3).

Regarding *claim 29*, Sumida discloses the device discussed above in claim 28, and further teaches that the state of the frame of the pixel density data determined by the state decision controller for each frame thereof is a frame size (column 43, line 51 through column 46, line 36).

Regarding *claim 30*, Sumida discloses the device discussed above in claim 30, and further teaches that the plurality of modes of operation include at least one of economy print mode, two-sided print mode, and staple print mode (column 39, line 26 through column 40, line 66).

Art Unit: 2622

Regarding claim 31. Sumida discloses an image formation apparatus (see abstract, and Fig. 1) comprising a sensor for reading an image on an original (column 17, line 25 through column 18, line 57), a memory for storing pixel density data read by the sensor (column 19, lines 4 through 37), means for editing pixel density data from the pixel density data stored in the memory (column 19, lines 38 through 49), an image forming portion for using edited pixel density data to print an image (column 13, line 65 through column 14, line 43, and column 19, lines 4 through 30), a feeder capable of feeding originals having different sizes to an image reading position (column 15, lines 9 through 24), means for reading mixed originals for reading a plurality of originals collectively set in the feeder (column 17, lines 2 through 60), means for determining a size of an image corresponding to the pixel density data of each image stored in the memory (column 43, line 51 through column 46, line 36), and means for controlling, responsive to the means for determining, which permits the means for editing to edit an image when all images corresponding to the plurality of originals are uniform in size (column 39, line 43 through column 40, line 62, column 47, line 53 through column 50, line 15, and column 74, lines 14 through 64) and otherwise prohibiting the means for editing from editing an image (column 30, line 33 through column 31, line 26, and column 74, lines 14 through 64).

Regarding *claim 33*, Sumida discloses an image formation apparatus (see abstract, and Fig. 1) comprising a sensor for reading an image on an original (column 17, line 25 through column 18, line 57), a memory for storing data read by the sensor (column 19, lines 4 through 37), an image forming portion for using edited data stored in the memory to print an image (column 13, line 65 through column 14, line 43, and column 19, lines 4 through 30), a stapler for stapling a plurality of sheets each bearing a formed image thereon (column 15, lines 26 through

Art Unit: 2622

52), a feeder capable of feeding originals having different sizes to an image reading position (column 15, lines 9 through 24), means for reading mixed originals for reading a plurality of originals collectively set in the feeder (column 17, lines 2 through 60), means for determining a size of an image corresponding to data of each image stored in the memory (column 43, line 51 through column 46, line 36), and means for controlling, responsive to the means for determining, which permits the stapler to operate when all images corresponding to the plurality of originals are uniform in size (column 39, line 43 through column 40, line 62, column 47, line 53 through column 50, line 15, and column 74, lines 14 through 64) and otherwise prohibiting the stapler from operating (column 30, line 33 through column 31, line 26, and column 74, lines 14 through 64).

Regarding *claim 35*, Sumida discloses an image formation apparatus (see abstract, and Fig. 1) comprising a memory for storing pixel density data corresponding to a plurality of images (column 19, lines 4 through 37), a print portion for forming an image on a sheet from the pixel density data stored in the memory (column 13, line 65 through column 14, line 43, and column 19, lines 4 through 30), a stapler for stapling a plurality of printed sheets (column 15, lines 26 through 52), and a controller for which permits the stapler to operate when all of the plurality of printed sheets have images formed thereon from the pixel density data stored in the memory which are uniform in size (column 39, line 43 through column 40, line 62, column 47, line 53 through column 50, line 15, and column 74, lines 14 through 64) and otherwise prohibiting the stapler from operating (column 30, line 33 through column 31, line 26, and column 74, lines 14 through 64).

# Claim Rejections - 35 USC § 103

- 11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 12. Claims 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sumida *et al.* (U.S. Patent Number 5,383,754, cited in the Office action dated 10/27/03) in view of Yoshida *et al.* (U.S. Patent Number 5,930,006, cited in the Office action dated 10/27/03).

Regarding *claim 32*, Sumida discloses the apparatus discussed above in claim 31, but fails to teach if the means for editing pixel density data edits an image in the manner suitable for providing two images for printing on a single side of a sheet. Yoshida discloses an image forming apparatus that includes a means for editing an image in the manner suitable for providing two images for printing on a single side of a sheet (column 10, lines 32 through 43, wherein N=2). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Yoshida's teachings in Sumida's system. Sumida's system would become more versatile with the addition of Yoshida's teachings, as a user would have added options for a desired output format.

Regarding *claim 34*, Sumida discloses an image formation apparatus (see abstract, and Fig. 1) comprising a memory for storing pixel density data corresponding to a plurality of images (column 19, lines 4 through 37), means for editing the pixel density data stored in the memory (column 24, line 50 through column 27, line 8), and means for controlling, which permits the means for editing to operate when all the pixel density data stored in the memory are uniform in image size (column 39, line 43 through column 40, line 62, column 47, line 53 through column 50, line 15, and column 74, lines 14 through 64) and otherwise prohibiting the means for editing

Art Unit: 2622

from operating (column 30, line 33 through column 31, line 26, and column 74, lines 14 through 64).

However, Sumida fails to specifically teach if the means for editing edits in a manner suitable for providing two images on a single side of a sheet. Yoshida discloses an image formation apparatus comprising a memory (multiport image memory 304 within memory 30, see Fig. 5) for storing image data corresponding to a plurality of images (column 6, lines 47 through 51, wherein two pages are stored, and column 7, lines 25 through 28), means for editing image data from image data stored in the memory in a manner suitable for providing two images on a single side of a sheet (column 10, lines 32 through 43, wherein N=2), and means for controlling, which permits the means for editing to operate and otherwise prohibiting the means for editing from operating (column 16, lines 17 through 55). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to include Yoshida's teachings in Sumida's system. Sumida's system would become more versatile with the addition of Yoshida's teachings, as a user would have added options for a desired output format.

## Allowable Subject Matter

- 13. Claims 23-26 are allowed.
- 14. The following is a statement of reasons for the indication of allowable subject matter:

Regarding *claim 23*, in the examiner's opinion, it would not have been obvious to have the system, as claimed, include a memory for storing a plurality of print jobs, with each print job containing pixel density data of at least two frames, a print-job selector for selecting one of the

Art Unit: 2622

each frame, a state of a frame of the pixel density data contained in the selected print-job.

The closest prior art, Sumida et al. (U.S. Patent Number 5,383,754), fails to teach these limitations, and the examiner finds no motivation to combine Sumida with other references to achieve the desired outcome. Because of this, the claims are rendered allowable.

#### Conclusion

15. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

16. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joe Pokrzywa whose telephone number is (703) 305-0146. The examiner can normally be reached on Monday-Friday, 7:30-4:00.

Art Unit: 2622

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on (703) 305-4712. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Joseph R. Pokrzywa

Examiner

Art Unit 2622 Joseph R Phym

jrp